



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,553	06/24/2003	Thomas A. Makowski	5150-81000	1242

7590 07/18/2008  
Jeffrey C. Hood  
Meyertons, Hood, Kivlin, Kowert & Goetzel  
P.O. Box 398  
Austin, TX 78767

EXAMINER
----------

TECKLU, ISAAC TUKU

ART UNIT	PAPER NUMBER
----------	--------------

2192

MAIL DATE	DELIVERY MODE
-----------	---------------

07/18/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/602,553	MAKOWSKI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	ISAAC T. TECKLU	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 82-108 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 82-102 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 82-102 have been reexamined.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 82-102 are rejected under 35 U.S.C. 102(e) as being anticipated by Shah et al. (US 2003/0231211 A1), hereinafter “Shah”.

Per claim 82, Shah discloses a computer readable memory medium comprising program instructions, wherein the program instructions are executable by a processor to (e.g. FIG. 2 and related text):

display a function node in a graphical program on a display (paragraph [0013] “... user may select various function nodes or icons ... connect the function node together ...”), wherein the graphical program comprises a plurality of nodes and connections between the plurality of nodes (paragraph [0020] “... property node for use in a graphical program ...” and paragraph [0035] “... displayed attributes of the property node... configuring graphical diagram, e.g. the graphical program ...” and e.g. FIG. 5 and related text), wherein the plurality of connected nodes visually indicate functionality of the graphical program (paragraph [0044] “... nodes connected to the refnum terminal may change their respective refnum outputs ...”), and wherein the

function node is executable in the graphical program to perform a first function (paragraph [0013] “... function nodes ... in one or more of a data flow , control flow and execution flow format ...” and paragraph [0098], [0109] and [0125]);

display a function specific property node in the graphical program on the display (paragraph [0027] “... user may left-click on the property node in the graphical diagram ...”), wherein the function specific property node is specific to the first function (paragraph [0027] “... relevant attribute of the property node ...” and see paragraph [0028-0029]), wherein the function specific property node comprises a plurality of properties of the first function (e.g. FIG. 8A and related text) ; associate the function specific property node with the function node (paragraph [0020] “... function associated with that property node ...”); display the plurality of properties on the display (e.g. FIG. 8A and related text); and

receive user input selecting one or more of the plurality of properties (paragraph [0027] “... user input may received initiating access to the graphical program element, e.g. property node ...”); wherein the selected one or more properties are accessible during execution of the graphical program (paragraph [0035] “... user selects timeout attribute of the property node ... upon execution of the graphical program ....”).

Per claim 83, Shah discloses the memory medium of claim 82, wherein the property node is statically typed to correspond to the function node (paragraph [0020] “... property nodes are typed ...”).

Per claim 84, Shah discloses the memory medium of claim 82, wherein the function specific property node visually indicates the association with the function node (paragraph [0018] “... property node may be associated with a control on the front panel to provide visual output ...” and paragraph [0020] “... function associated with that property node ...” and paragraph [0137] “... visually indicates the type of connection ...”).

Per claim 85, Shah discloses the memory medium of claim 82, wherein, during execution of the graphical program, the function specific property node is executable to:

receive input specifying a modification to at least one of the one or more properties (paragraph [0027] “... user input may received initiating access to the graphical program element, e.g. property node ...”); and

modify the at least one of the one or more properties in response to the input to configure the function node to perform the first function, wherein, after said modifying, the function node is executable in the graphical program to perform the first function in accordance with the modified at least one of the one or more properties (paragraph [0144] “... modifying a configuration diagram, the user may associate ...”).

Per claim 86, Shah discloses the memory medium of claim 82, wherein, prior to said displaying the plurality of properties on the display, the program instructions are further executable to:

display one or more filtering options for available properties of the function node, wherein the available properties include the plurality of properties (paragraph [0135] “... as indicated by the selected filter option ...”); and

receive user input indicating a first filtering option of the one or more filtering options, wherein said displaying the plurality of properties is performed in accordance with the first filtering option (paragraph [0135] “... user may then configure the filter ...”).

Per claim 87, Shah discloses the memory medium of claim 82, wherein, during execution of the graphical program, the program instructions are executable to:

read at least one of the plurality of properties from the function node; and provide the at least one property to a graphical program element comprised in the graphical program (paragraph [0170] “... access node ... read, write ...”).

Per claim 88, Shah discloses the memory medium of claim 87, wherein the graphical program element comprises a GUI, wherein the GUI is operable to display the at least one property during execution of the graphical program (paragraph [0155] “... GUI panel may be displayed ...”).

Per claim 89, Shah discloses the memory medium of claim 82, wherein the function node comprises a timing node, operable to provide timing functionality for the graphical program; and wherein the function specific property node comprises a timing property node (paragraph [0125] "... clock or timer ...").

Per claim 90, Shah discloses the memory medium of claim 82, wherein the function node comprises a triggering node, operable to provide triggering functionality for the graphical program; and wherein the function specific property node comprises a triggering property node (paragraph [0098] "... triggering input ...").

Per claim 91, Shah discloses the memory medium of claim 82, wherein the function node comprises a read node, operable to provide data acquisition (DAQ) functionality for the graphical program; and wherein the function specific property node comprises a read property node (paragraph [0079] DAQ card 114 ...").

Per claim 92, Shah discloses the memory medium of claim 82, wherein the function node comprises a write node, operable to provide signal generation functionality for the graphical program; and wherein the function specific property node comprises a write property node (paragraph [0095] "... write node ...").

Per claim 93, Shah discloses the memory medium of claim 82, wherein the function node comprises a channel creation node, operable to create a channel for the graphical program (e.g. FIG. 20D and related text); and wherein the function specific property node comprises a channel property node, operable to access channel properties of the created channel (e.g. FIG. 17A and related text).

Per claim 94, Shah discloses the memory medium of claim 82, wherein the function node comprises a calibration information data structure that is operable to provide calibration information for a device used by the graphical program; and wherein the function

specific property node comprises a calibration information property node (e.g. FIG. 5C and related text).

Per claim 95, Shah discloses the memory medium of claim 82, wherein the function node comprises an export signal data operable to provide export signal data for the graphical program; and structure that is wherein the function specific property node comprises an export signal property node (e.g. FIG. 5C and related text).

Per claim 96, Shah discloses the memory medium of claim 82, wherein the function node comprises a switch channel specification for the graphical program; and wherein the function specific property node comprises a switch channel property node (paragraph [0117] and e.g. FIG. 5D and related text).

Per claim 97, Shah discloses the memory medium of claim 82, wherein the object comprises a switch scanning task specification for the graphical program; and wherein the function specific property node comprises a switch scan property node (e.g. FIG. 5B and related text).

Per claim 98, Shah discloses the memory medium of claim 82, wherein the function node comprises a scale specification for the graphical program; and wherein the function specific property node comprises a scale property node (paragraph [0017] “.. scales or cursor position ...”).

Per claim 99, Shah discloses the memory medium of claim 82, wherein the function node comprises a data structure storing software configuration information for a host computer system; and wherein the function specific property node comprises a system property node (e.g. FIG. 5C and related text).

Per claim 100, Shah discloses the memory medium of claim 82, wherein the function node comprises a data information, including one or more of: a task name; one or more channel names; a number of channels; or structure that stores general task a task status indicator;

and wherein the function specific property node comprises a task property node (paragraph [0017] "... controls and indicators ...").

Per claim 101, Shah discloses the memory medium of claim 82, wherein the function node represents a hardware device; and wherein the function specific property node comprises a device property node (paragraph [0138] "... device icons ...").

As per claim 102, this is the system version of the claimed medium discussed above (Claim 1), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Shah.

### ***Response to Arguments***

4. Applicant's arguments filed on 02/12/208 have been fully considered but they are not persuasive.

The Applicant asserted that "As Shah makes clear, these property nodes are *not* specific to a function node's function (the first function), but rather are typed to 'broad classes of functionality', and so may have 'hundreds or even thousands of possible attributes' (page 3).

The examiner respectfully disagrees with the above assertion. Shah discloses displaying a function specific property node in the graphical program on the display (e.g. paragraph [0098], [0109] and [0125]).



In paragraph [0098], Shah teaches “relevant attributes of the graphical program element may be displayed based on the selected filter option. Examples of displaying relevant property node attributes are shown with reference to FIGS. 5C and 5D, and described below. It should be noted that the phrase "relevant attributes" refers to those attributes associated with the graphical program element (type) included in the graphical diagram after the appropriate filtering has been applied. In other words, the graphical program element has associated with it a particular subset of all possible attributes, based on the type of the element. For example, the property node type, e.g., triggering, input, output, etc., may be used to restrict the presented attributes to those corresponding to that type. These attributes may then be filtered in accordance with the selected filtering option, possibly restricting the attributes further. The filtered attributes may then be displayed” (emphasis added).

In paragraph [0125], Shah teaches a portion of an example graphical program, also referred to as a block diagram (e.g. FIG 5). “In this example program, a DAQmx Read property node is wired to a channel named "abc" and to another property node labeled DAQmx Input Channel, which is itself wired to a clock or timer node. As described above, in one embodiment, the attributes for a property node may be accessed by left-clicking on the node, thereby invoking a display of the relevant attributes, as shown in FIGS. 5C and 5D (in paragraph [0125], emphasis added).

Furthermore in paragraph [0109] FIGS. 4C and 4D, Shah teaches “a method of displaying attributes of the graphical program element in accordance with a selected filter

Art Unit: 2192

option which specifies that attributes of the graphical program element associated with selected configured resources in the system are to be displayed. More specifically, FIG. 4C flowcharts an embodiment of a method of receiving input selecting a filter option which specifies that attributes of the graphical program element associated with selected configured resources in the system are to be displayed, and FIG. 4D flowcharts the subsequent steps involved in displaying the relevant attributes, according to one embodiment”(emphasis added). Therefore Shah’s inventions avoids the entire superset presented to the user, who must then select from the many attributes by using selected filter option which specifies the relevant attributes. Thus, the above argument is not persuasive.

The Applicant asserted that “Shah also fails to teach wherein the function specific property node visually indicates the association with the function node, as recited in claim 84.”  
(page 5)

The examiner respectfully disagrees with the above assertion that Shah teaches the function specific property node visually indicates the association with the function node. In paragraph [0027], Shah teaches “user input may be received specifying an element filter option, e.g., a property node filter option, from a plurality of element filter options. For example, a graphical user interface (GUI) may be displayed which presents the plurality of filter options, where the GUI receives the user input specifying a particular filter option. User input may also be received initiating access to the graphical program element, e.g., the property node. For

example, the user may left-click on the property node icon in the graphical diagram with a mouse or other pointing device. The relevant attributes of the property node may then be displayed based on the specified filter option. The attributes of the property node may then be selectable by a user to configure the graphical diagram” (emphasis added). Furthermore in paragraph [0028], Shah teaches “where the graphical program element is a palette, the GUI may receive user input initiating access to the palette, such as a left-click on a palette icon in the graphical diagram with a mouse, or selection of an item from a menu. The attributes of the palette, in this case, one or more icons representing resources of the system, may then be displayed based on the selected filter option. The icons presented may then be selectable by the user for various operations, e.g., configuration of the resources associated with the icons, or, in an embodiment where the filtered icons represent proposed resources for the system, the icons may be selectable by the user to initiate a purchase/order of the resources from a vendor, i.e., to acquire the proposed resources (emphasis added). Therefore the above argument is not persuasive.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 2192

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ISAAC T. TECKLU whose telephone number is (571)272-7957. The examiner can normally be reached on M-TH 9:300A - 8:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Isaac T Tecklu/  
Examiner, Art Unit 2192

/Tuan Q. Dam/  
Supervisory Patent Examiner, Art Unit 2192

